XIIIA

REPORT

OF THE

CALCUTTA COURT OF SMALL CAUSES

FOR THE YEAR 1886.

Calcutta:
BENGAL SECRETARIAT PRESS.
1887.

No. 36.

FROM

THE JUDGES, OF THE COURT OF SMALL CAUSES OF CALCUTTA,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL,

JUDICIAL DEPARTMENT.

Dated Calcutta, the 11th March 1887.

SIR,

WE have the honour to forward, for submission to His Honour the Lieutenant-Governor, the report and returns of the business of the Court during the year 1886.

2. A copy of our annual report and returns to the High Court is annexed, and from this certain statistics connected with the working of the Court will also be ascertained.

3. The returns are, we trust, now complete, and not imperfect as in former years. The imperfections were attributable to our having to furnish double sets of judicial returns, one to the Local Government and the other to the High Court, and we cannot but submit that this duplication of labour is unnecessary. At one time it was rectified, the Local Government agreeing that it would accept the judicial returns furnished to the High Court. The Home Government then stepped in and insisted on separate sets of returns being sent to the Local Government. We have learnt on good authority that the same is done by the Madras Presidency Small Cause Court, but not by the Bombay one; and we believe ours is the only Court in the whole of Bengal on whom this double burden is imposed, and with due respect we fail to see why it should be so.

4. The cases were disposed of as follows:—

Pending in 1885	3,291
Instituted in 1886 (including revivals)...	29,513
	32,804
Decreed in favour of plaintiff after contest	4,418
" " " without contest	9,820
Dismissed after trial	1,352
Withdrawn with leave	702
Compromised	10,014
Dismissed for default or want of prosecution	3,598
Dismissed uncontested	50
Pending at the close of the year	2,850
	32,804

5. The statement in the last paragraph is a sure indication of the assistance received by the appointment of a Fifth (or Additional) Judge, for the number of contested suits disposed of has materially increased, being 5,770 as against 5,205 lasty ear, and this though the Fifth Judge worked from the 1st November only.

6. The number of "other applications" shows a very considerable increase, being 11,403 as against 8,633 last year. Doubtless a large number of these applications are *ex parte*, but in the aggregate they represent a large amount of work.

7. Applications for execution of decrees are still steadily increasing. The figures are 18,507 as against 17,636 last year. The remarks made in paragraph 10 of last year's report will apply to the same subject for this year.

8. There were 1,684 applications for leave to sue under section 18 of the Presidency Small Cause Courts' Act as against 1,543 last year, showing an increase of 141. Of the 1,684 applications, 1,435 were allowed and 249 refused.

9. With regard to the work of the Court generally, the returns show that it has remained in much the same position it was last year. There was a falling off of 1,428 regular suits (all below Rs. 500) and 29 miscellaneous cases. On the other hand, there was an increase of 2,770 "other applications." It is a peculiar circumstance that the number of suits above Rs. 500 in value was the same as last year, viz. 834.

10. Attention must be drawn to the figures set down against the Chief Judge in Judicial Form No. 4. The increase is accounted for by the fact that during the period the revision system was being adopted, as referred to in the last paragraph but one of the report to the High Court, a considerable number of the smaller cases, both contested and uncontested, were summarily disposed of before the Revision Bench. The Chief Judge's court-room was for the time made the "Revision Bench." But Mr. Sconce, who was Officiating Chief Judge, did not always sit. He requested Mr. Jones on three days and Mr. Beeby on three days to do that work, Mr. Sconce taking over their work on those days.

11 With reference to the attempted adoption of the system referred to, we have to remark that we cannot at present see our way with the present staff (even including the Fifth Judge) to carrying out any system by means of which each Judge could be relieved of his ordinary undefended cases.

12. The work was distributed in the same way as last year, except that when the Fifth Judge was appointed the following was the distribution:—

Chief Judge	...	All suits of Rs.600 in value and upwards.
Second do.	...	One-fourth each of all cases between Rs 600 and Rs. 20, one-fifth each of all between Rs. 20 and Rs. 10.
Third do.	...	
Fourth do.	...	
Fifth do.	...	
Registrar	...	One-fifth of all cases between Rs. 20 and Rs. 10 and all below Rs.10.

13. We now have to deal with the subjects referred to in enclosure No. 3969J, from the Under-Secretary to the Government of Bengal, dated the 28th December 1886, forwarding letter, dated the 26th November 1886, from the Secretary to the Bengal Chamber of Commerce to the Under-Secretary to the Government of Bengal.

We will take the subjects separately as referred to in the letter of the Chamber of Commerce—

(1) *The convenience of the crowds who resort to the Court.*—Only those who have experienced it can have any idea of the crowds that do resort to the Court. On some days they number as many as 1,500 to 2,000, and except on Saturdays rarely less than 1,000. It is at times surprising to find judicial work carried on amid the din and turmoil prevailing both within the court-room and in the corridors without. To preserve proper order among a dense crowd of people constantly moving to and fro would require efficient police arrangements, and no such provision has yet been allowed. Parties are shouting for their witnesses, wrangling over compromises, or running after their pleaders, while the pleaders in turn are rushing about from Court to Court. The accommodation afforded by the court-rooms, except those of the Chief and Second Judges, is altogether insufficient. Whether the complaint of the Chamber of Commerce points to this class of inconvenience, we do not know. But whether it points to this or improved convenience in the form of waiting or refreshment-rooms for suitors, we can only say that no improvement can be made except at the expense of extra building.

(2) *The capability of the building to accommodate additional Benches.*—This point is one which, as noticed by the Chamber, is very deserving of attention.

The Fifth (or Additional) Judge has been provided with a room to the great inconvenience of the Record Department, the Librarian, and the Pleaders. The room now used was originally the Court's Library, but the accumulation of records necessitated its being used partly as a record-room. Now the records and some of the book-shelves are turned out altogether, with the result that records instead of being kept in one room or in two or three rooms close together as they should be, are distributed in odd corners where, if required, they are difficult to find. A small room formerly used by the Pleaders is now the Library, though it is not in fact large enough for that purpose.

(3) *The working of the Distraint Department.*—We do not understand this. No particular complaint is made, and so far as we can see the department referred to works with reasonable efficiency. The number of distraints has fallen off during the last two years, but this was fully explained in paragraph 9 of our report for the year 1885.

(4) *The want of a store or sale shed.*—This has been sanctioned, and the work already commenced.

14. As to the suggestion by the Chamber of Commerce that the Judges might be asked "to state the results of their experience of the working of the new procedure imposed on the Court by Act XV of 1882," we have to say that the matter has been dealt in all our annual reports since the year in question.

We have the honour to be,

SIR,

Your most obedient servants,

H. MILLET,
GIDEON C. SCONCE,
THOMAS JONES,
SREE NATH ROY,
A. O. ACWORTH,
} *Judges.*

JUDICIAL FORM No. 1.

Showing the general result of the disposal of Cases in the Court of Small Causes of Calcutta in the year 1886.

COURT OF SMALL CAUSES OF CALCUTTA.

2.	Number of suits pending on the 1st January 1886 ...	3,291
3.	Number of suits instituted during the year 1886 ...	29,513*
	Number of suits disposed of during the year 1886—	
4.	Dismissed for default or want of prosecution ...	3,598
5.	Withdrawn with leave under section 373 of the Civil Procedure Code	702
6.	Compromised	10,014
	Without contest—	
7.	Decreed on confession	2 845
8.	Decreed *ex parte*	6,975
9.	Dismissed *ex parte*	50
	With contest—	
10.	Judgment for plaintiff in whole or in part	3,071
11.	Judgment for defendant	1,180
	On reference to arbitration—	
12.	For plaintiff	447
13.	For defendant	172
14.	Total disposed of	29,954
15.	Pending at the end of the year	2,850
	Average duration of suits—	
16.	Contested, including cases referred to arbitration ...	149 2
17.	Uncontested	14·4

18. REMARKS.—There were 723 miscellaneous applications, 518 claim suits, 157 ejectment suits, 85 commissions and 7 disputed distraint cases instituted during the year, and 18 revivals. The manner of their disposals has been shown by the High Court Annual Statement No. 4 (Civil), Part II, miscellaneous cases in items Nos. 10 to 20, leaving a balance of 172 cases pending at the end of the year.

* Includes 297 revived suits.

COURT OF SMALL CAUSES OF CALCUTTA,
The 11th March 1887.

R. SEN,
Registrar.

JUDICIAL FORM No. 2.

Showing the number and description of Suits pending and instituted in the Court of Small Causes of Calcutta in the year 1886.

1		2	3	4	5
NATURE OF CLAIM.		NUMBER OF SUITS.			REMARKS.
		Pending on the 1st January 1886.	Instituted during the year 1886.	Total.	
Money due on contract	On written promise for sum certain ...	491	5,714	6,205	
	On unwritten promise for sum certain ...	881	6 265	7,149	
	On account stated	168	1,258	1,426	
	On balance of account, partnership, or otherwise	40	211	251	
	Money paid or received	168	714	882	
	For goods sold and delivered	926	10,417	11,343	
Rent not falling under the Rent Law		287	3,714	4,001	
Damages...	For injuries to person	37	82	119	
	For injuries to property	78	382	460	
	For other injuries not included in the above ...	17	40	57	
	For breach of contract not included in the above	74	245	319	
Title and other suits.	For recovery of possession of immoveable property under Chapter VII of the Presidency Small Cause Courts Act .	24	157	181	
	Suits under the Summary Procedure, Chapter XXXIX of the Civil Procedure Code	.....	.....	.....	
	Other suits not falling under any of the previous heads	31	174	205	
	Application under section 278 of the Code of Civil Procedure	42	518	560	
	Other applications	123	11,403	11,526	
	Total ...	3,390*	41,294†	44,684	

* There were 90 revived cases pending on the 1st January 1886, besides the number shown.
† Excludes 297 revived cases.

COURT OF SMALL CAUSES OF CALCUTTA,
The 11th March 1887.

R. SEN,
Registrar.

JUDICIAL FORM No. 3.

Showing the value of Suits instituted in the Court of Small Causes of Calcutta in the year 1886, *together with Fees and Costs received in Stamps*

1	2	3	4	5
Institutions.	Number of	Total value of	Fees and costs received in stamps.	Remarks.
		Rs. A. P. G.	Rs. A. P.	
Suits not exceeding Rs. 5 ...	4,227	13,735 13 6½ 0	2,223 4 0	This statement does not include revived suits, or miscellaneous cases, or any fees and costs received in respect of the same.
Ditto „ 10 ...	5,083	37,812 4 7 0	5,474 4 0	
Ditto „ 20 ...	6,101	90,648 11 11 0	13,064 2 0	
Ditto „ 50 ...	6,586	2,13,953 12 1 0	30,889 13 0	
Ditto „ 100 ...	3,052	2,20,458 3 8 0	31,557 0 0	
Ditto „ 500 ...	3,303	6,91,235 9 10½ 0	93,039 15 6	
Ditto „ 1,000 ...	518	3,57,321 3 0½ 0	41,209 9 0	
Ditto „ 1,500 ..	212	2,61,483 3 8 0	24,495 2 6	
Ditto „ 2,000	82	1,37,701 10 5 ¼	13,231 14 6	
Suits in which an excess above Rs. 2,000 was abandoned ...	22	44,000 0 0 0	3,581 8 0	
Total ...	29,216	20,68,380 8 4½ ¼	2,58,766 8 6	

Court of Small Causes of Calcutta,
The 11*th March* 1887.

R. Sen,
Registrar.

JUDICIAL FORM No 4.

Showing the disposal of Suits according to value by each Judge of the Court of Small Causes of Calcutta during the year 1886.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
	Judgment for Plaintiff.			Judgment for Defendant.								Value of suits disposed of.									
By.	Contested.	Uncontested.	Total.	Contested.	Uncontested.	Total.	Settled by agreement.	Withdrawn with leave or dismissed under sections 97, 98, or 102 of the Code.	Other miscellaneous cases.	Grand total.	Number of days on which each Judge actually sat in Court.	Not exceeding Rs. 5.	Not exceeding Rs. 10.	Not exceeding Rs. 20.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 1,500.	Not exceeding Rs. 2,000.	Suits in which an excess of Rs. 2,000 was abandoned.
												Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Chief Judge ...	191	463	654	33	4	37	520	120	98	1,433*	201	113	98*	128	136	60	119	351	213	86	13
Second „ ...	911	2,477	3,388	259	1	260	2,109	631	304	6,692†	263	941	809	1,464	2,160	1,011	1,035	76	2	...	..
Third „ .	1,253	1,947	3,202	183	9	192	2,099	619	330	6,432	263	806	563	1,426	2,092	929	1,006	71	...	...	...
Fourth „ ..	917	2,345	3,262	239	9	248	2,121	649	344	6,024	264	214	335	1,488	2,147	1,018	1,027	50	...	1	...
Fifth „ ..	189	232	364	33	2	35	216	82	46	743	41	62	79	172	199	93	109	3	...	...	.
Registrar .	1,012	2,366	3,368	606	27	633	2,948	2,109	391	9,533	263	3,515	3,959	1,668	...	...	...	...	...	...	.
Total	4,413	9,830	14,238	1,353	50	1,403	10,014	4,109	1,503	31,457	1,354	4,330	5,303	6,396	6,734	3,120	3,296	351	215	87	13

MEMORANDUM.

			Days.
The Court was closed on account of Sundays	... ...		52
Ditto	ditto	Christian holidays ...	12
Ditto	ditto	Hindu holidays	9
Ditto	ditto	Muhammadan holidays	4
Ditto	ditto	Vacation	22
Ditto	ditto	Other holidays	1
		Total ...	100

Note.—The holidays to be shown above are general holidays. If any part of the Court sat during such holidays, this can be explained in a foot-note to the return.
The Fifth Judge took office from 1st November only.

* In addition to this number the Chief Judge disposed of 229 contested suits and miscellaneous cases taken up from other Courts. He also sitting with the other Judges and Registrar disposed of 98 contested new trial applications (miscellaneous cases). These to save departmental inconvenience appear in figures set out against the respective Judges and Registrar.
† In addition to this number the Second Judge sitting with the Chief Judge disposed of 22 contested new trial applications (miscellaneous cases). These to save departmental inconvenience appear in the figures set out against the Chief Judge.

Court of Small Causes of Calcutta,
The 11*th March* 1887.

R. Sen,
Registrar.

JUDICIAL FORM No. 5.

Showing the Result of Proceedings on applications for the Execution of Decrees in the Court of Small Causes of Calcutta in the year 1886.

1.	Number of applications pending on the 1st January 1886	608
File—		
2.	The decrees being those of the Court where execution is taken out	17,614
3.	The decrees being those of other Courts transferred for execution	285
4.	Total	18,507
Application disposed of—		
5.	Transferred to another Court under section 223 ...	739
6.	Completely executed	5,406
7.	Partly executed	6,799
8.	Wholly infructuous	4,930
9.	Total	17,874
10.	Pending at end of year	633

		Rs.	A.	P.
Amount realized—				
11.	With the issue of process	2,48,179	14	1
12.	Without the issue of process	2,21,082	4	4

Number of applications on which—		
13.	The judgment-debtor was imprisoned	481
14.	He was arrested under section 336 but released without imprisonment	506
15.	Property was sold	772
16.	Property was attached but released	1,526
17.	Possession was given of immoveables	25

COURT OF SMALL CAUSES OF CALCUTTA,
The 11th March 1887.

R. SEN,
Registrar.

JUDICIAL FORM No. 6.

Showing the Statistics of the Distraint Department of the Court of Small Causes of Calcutta for the year 1886.

Number of applications—		
1.	Pending on the 1st January 1886	5
2.	Admitted	100
3.	Refused or withdrawn	13
4.	Total	118
Number of distresses—		
Compromised—		
5.	Before distress	66
6.	After distress	4
7.	Number of sales	15
8.	Distress set aside	7
9.	Unexecuted	7

		Rs.	A.	P.
10.	Amount of rent for which distresses were issued ...	22,379	6	3
11.	Amount realized by sale	903	4	0
12.	Amount levied and paid into Court	8,213	5	2
13.	Commission and fees realized	2,137	13	6
14.	Pending at the close of the year	6		

COURT OF SMALL CAUSES OF CALCUTTA,
The 11th March 1887.

R. SEN,
Registrar.

JUDICIAL FORM No. 7.

Showing the Receipts and Charges of the Court of Small Causes of Calcutta for the year 1886.

			Rs.
Receipts—			
In Small Cause Court Stamps—			
1.	Institution summons and process fees	...	2,95,818
2.	Other fees	...	(*a*)356
In Cash—			
3.	Fines	...	28
4.	Other receipts	...	(*b*)4,213
5.	Total	...	3,00,415
Charges—			
6.	Salaries of Judges and Registrar—		
	Chief Judge	...	30,799*
	Second ,, ...	...	20,322*
	Third ,, ...	...	13,594*
	Fourth ,, ...	...	9,019*
	Fifth ,, ...	...	1,000
	Registrar	...	9,390
		Total ...	84,124
Establishment—			
7.	Serving officers and bailiffs	...	(*c*)20,356
8.	Others	...	57,501
9	Contingencies	...	2,123
10.	Refunds	...	(*d*)41,119
11.	Total	...	2,05,223
12.	Excess of item No. 5 over item No. 11, being the amount credited to Government		95,192

N B.—Fractions of a rupee omitted.

(*a*) Includes only copying fees. (*b*) Includes Rs. 617 being salaries of Government officers as witnesses and Rs. 40 value of unclaimed postage received for service of mofussil processes, and balance Rs. 3,526 being unclaimed deposits. (*c*) Includes Rs. 4,977 being commission to bailiffs (*d*) Includes Rs. 231 refund of witnesses' salaries, Rs. 4 as fines, and balance Rs. 4,192 refund of half costs in compromised cases.

* Includes leave allowance of Mr. H. Millett and pay and acting allowances of the several acting Judges, Messrs. G. C. Sconce, T. Jones, Babu Sree Nath Roy and Messrs. A. O. Acworth and O. Beeby during the absence of Mr. H. Millett as Chief Judge on furlough from 2nd April 1886 to 3rd January 1887, and of Mr. T. Jones as acting Second Judge on privilege leave from 24th June 1886 to 16th September 1886.

COURT OF SMALL CAUSES OF CALCUTTA,
The 11th March 1887.

R. SEN,
Registrar.

JUDICIAL FORM No. 7A.

Statement of Judgment-debtors relieved from the Charity Fund of the Court of Small Causes of Calcutta during the year 1886.

Date and month.		Names of parties relieved.	Amount.	Remarks.
			Rs. A. P.	
January 1886 ...	22nd ...	W. Scott (by order of the Second Judge)... ...	17 6 0	
February ,, ...	2nd ...	Mr. Gomes (by order of the Chief Judge)... ...	3 14 3	
March ,, ...	3rd ...	G. L Day (by order of the Second Judge) ...	48 14 6	
,, ,, ...	12th ...	H. Rodger (by order of the Chief Judge)... ...	34 14 0	
May ,, ...	25th ...	Caroline Apung (by order of the Chief Judge) ...	11 4 0	
		Total ...	116 4 9	

Memorandum.

			Rs. A. P.
Balance of the Charity Fund on 31st December 1885			324 14 11
Add—Receipts of the Fund during the year, viz., contributions	Rs. A. P. 50 9 3		
Interest on the Government promissory notes of Rs. 6,100 for two half years	244 0 0		294 9 3
		Total ...	619 8 2
Deduct payments out of the fund as detailed above		... ...	116 4 9
Balance on 31st December 1886			503 3 5

COURT OF SMALL CAUSES OF CALCUTTA,
The 11th March 1887.

R. SEN,
Registrar.

No. 30, dated Calcutta, the 7th February 1887.

From—The JUDGES, Court of Small Causes of Calcutta,

To—The Registrar of the High Court of Judicature at Fort William in Bengal, Appellate Jurisdiction.

WE have the honour to submit to the Hon'ble Judges of the High Court the following report on the business of this Court for the year 1886.

There is again a decrease of 1,428 in the number of suits instituted in the Court as compared with last year, which is shown in the following table:—

VALUE OF SUITS.	1885.	1886.	Increase.	Decrease.
Up to Rs. 10	10,033	9,310	... ..	723
,, ,, 50	13,275	12,687	.....	588
,, ,, 100	3,142	3,082	.. ...	60
,, ,, 500	3,360	3,303	... ...	57
,, ,, 1,000	501	518 17	.....	
Above ,, 1,000	333	316	.. ...	17
Total ..	30,644	29,216	17	1,445
		Deduct increase ...		17
		Net decrease ...		1,428

The decrease has almost entirely arisen in the number of suits instituted below Rs. 50 in value, and if the decrease in petty litigation arose from the fact that such claims were more readily adjusted without the intervention of the Court the public might be congratulated, but we fear that the decrease is to be attributed rather to the more cumbrous procedure which has been adopted since 1882, and to the fact that the smaller suits are necessarily shouldered out of the way in consequence of the greater time which is taken up in contesting suits of higher value and importance. We are satisfied that the usefulness of the Court as a small debt collecting court has been much impaired. The appointment of a Fifth Judge will no doubt remedy the disadvantages under which the Court has for sometime worked, and as a consequence the more prompt disposal of suits may be expected to operate as a check against a falling off in future in suits of smaller value.

It does not appear to us that the tables annexed to this report call for any special remark.

Four thousand one hundred and twenty-seven processes were received from the mofussil Courts, and of these 2,742 were served.

The amount credited to Government was Rs. 95,192, as against Rs. 99,429 last year.

Mr. Millett, the Chief Judge, was away on leave from the 4th April 1886 to 4th January of this year. The other Judges went up in order of seniority. Mr. Acworth came into the Court as Fourth Judge.

On the 1st November an "Additional Judge" was appointed, Mr. Acworth; Mr. Beeby took his place as Fourth Judge. But for this assistance, the number of suits, 2,850, pending at the close of the year, would doubtless have been much heavier.

The Library and Court-house are in good order, but the Library was converted into a Court-room for the Additional Judge, and the books distributed among other rooms in the Court-building. This is a source of some, but not very serious, inconvenience.

In March last the Court was inspected by the Hon'ble Justices Wilson and Trevelyan, who made their report to the High Court. In accordance with the suggestions contained in that report, copies of which were delivered to us, an attempt was made to revise the list of cases coming in daily, but after about three weeks trial, from the 28th October to 19th November, the scheme was found to be practically unworkable, and with the concurrence of the Chief Justice, who was good enough to sit one day in the Chief Judge's Court along with Mr. Justice Wilson, was abandoned.

Sanction has been given for the building of a new sale shed which, when built, will add no doubt to the convenience of the public; but we do not think that any arrangement could be made with any of the local auctioneers for the sale of attached goods in their auction rooms without amending the Act, which provides for the employment of an appraiser, and relieving the Head Bailiff of the responsibility which attaches to him for the safe custody of the goods.

Quarterly statements will be prepared, as suggested in paragraph 25 of the report by the Hon'ble Justices Wilson and Trevelyan.

ANNUAL STATEMENT 1—(CIVIL).

FOR THE DISTRICT JUDGESHIP OF THE COURT OF SMALL CAUSES OF CALCUTTA FOR THE YEAR 1886.

PART 1.—*List of Judicial Divisions, with Area and Population.*

1.	Name of District Judgeship	Court of Small Causes, Calcutta.
2.	Name of Collectorate	Presidency.
3.	Name of Moonsifees	None.
4.	Area in square miles	Eight.
5.	Population	433,219.

PART II.—*Return showing the total number of Judicial and Revenue Officers exercising jurisdiction in Civil and Revenue cases at the close of the year, their class, and powers. Also the number of working days that officers of each class, employed in the district during any part of year, were engaged in each department.*

CIVIL COURT.

(DISTRICT CALCUTTA.)

SMALL CAUSE COURT JUDGES.

2. Exercising civil powers only	5*
Total number of working days employed—	
6. On civil work	265

* One Fifth Judge from 1st November 1886.

Grades of Judicial Officers.		European.	Native.	REMARKS.
Officers exercising Original Jurisdiction only ..	Small Cause Court Judges.	4	1	A Registrar exercises judicial powers in suits up to the value of Rs. 20, and *quasi*-judicial powers in other matters.

COURT OF SMALL CAUSES OF CALCUTTA,
The 7th February 1887.

R. SEN,
Registrar.

PART III.—*Statement showing the Receipts and Charges of the several grades of Civil Courts and the proportion of the salary of Judicial Officers debitable to Civil Justice.*

COURTS AT THE PRESIDENCY.

PRESIDENCY SMALL CAUSE COURT OF CALCUTTA.

	Rs.
Receipts—	
In court-fee stamps—	
2. Process fees	2,95,818
3. Other fees	356
In cash or special stamps—	
4. Fines	28
5. Copying and comparing fees	(*a*).....
5*a*. Other receipts credited to Government	(*b*)4,213
6. Total	3,00,415
Charges—	
Salaries of Judicial Officers—	
7. Gross	*84,124
8. Share debitable to Civil Justice	*84,124
Establishment—	
9. Process-servers	(*c*)20,356
10*a*. Others	57,501
Contingencies—	
11*a*. Other contingencies	2,128
12. Refunds	(*d* 41,119
13. Total of items Nos. 8 to 12	2,05,228
14. Not sum credited to Government	95,192

(*a*) Realized in stamps and shown in item No. 3.
(*b*) Includes Rs 647 being salaries of Government officers cited as witnesses and Rs. 40 value of unclaimed postage received for service of mofussil processes, and the balance Rs. 3,526 unclaimed deposits.
(*c*) Includes Rs. 4,977 being commission to bailiffs.
(*d*) Includes Rs. 23 being refund of witnesses' salaries, and Rs. 4 refund of fines. Balance Rs. 41,092 refund of half costs in compromised cases.

	Rs.
* Chief Judge	30,799
Second ,, ...	20,322
Third ,, ...	13,594
Fourth ,, ...	9,019
Fifth ,, ...	1,000
Registrar	9,390
	84,124

COURT OF SMALL CAUSES OF CALCUTTA,
The 7th February 1887.

R. SEN,
Registrar.

ANNUAL STATEMENT 2 (CIVIL).

Statement showing the Number and Description of Civil Suits instituted in the Civil and Revenue Courts in the Court of Small Causes of Calcutta in the year 1886.

COURTS AT THE PRESIDENCY.

PRESIDENCY SMALL CAUSE COURT OF CALCUTTA.

Suits for money or moveable property—		
2.	Contract in writing	5,714
3.	Contract not in writing	2,706
4.	On account stated	1,469
5.	Money had and received	714
6	Goods sold	10,417
7.	Wages, work, and materials	3,559
8.	Rent not falling under the Rent Law	3,714
9.	Moveable property or value thereof	382
10.	Damages	367
11.	Other suits for money or moveables not already mentioned...	174
12.	Total	29,216

COURT OF SMALL CAUSES OF CALCUTTA,
The 7th February 1887.

R. SEN,
Registrar.

ANNUAL STATEMENT 3 (CIVIL).

Statement showing Number and Value of Suits instituted in the Civil and Revenue Courts in the Court of Small Causes of Calcutta in the year 1886.

COURTS AT THE PRESIDENCY.

PRESIDENCY SMALL CAUSE COURT OF CALCUTTA.

Number of suits instituted in the different Courts—						
Value not exceeding Rs. 10—						
2.	Suits for money or moveables					9,310
Value not exceeding Rs. 50—						
5.	Suits for money or moveables					12,687
Value not exceeding Rs. 100—						
8.	Suits for money or moveables					3,082
Value not exceeding Rs. 500—						
11.	Suits for money or moveables					3,303
14.	Value not exceeding Rs. 1,000					518
15.	Value not exceeding Rs. 5,000					316
20.	Total					29,216
		Rs.	A.	P.	G.	
21.	Total value of suits	20,68,380	8	4½	½	

COURT OF SMALL CAUSES OF CALCUTTA,
The 7th February 1887.

R. SEN.
Registrar.

ANNUAL STATEMENT 4 (CIVIL).

PART I.—CIVIL SUITS.—*Statement showing the General Result of the trail of Civil Cases in the Courts of Original Jurisdiction in the Court of Small Causes of Calcutta in the year* 1886.

COURTS AT THE PRESIDENCY.

PRESIDENCY SMALL CAUSE COURT OF CALCUTTA.

Number of suits before the Courts—		
2.	Pending from last year	3,291
3.	Instituted in 1886	29,216
6.	Reviews under section 626	19
7.	Reviewed under sections 99, 103, 108, or 371 ...	278
8.	Total for disposal	32,804
Number of suits disposed of—		
Without trial—		
10.	Plaint rejected or returned	112
11.	Dismissed for default or want of prosecution ...	8,486
12.	Withdrawn with leave	702
Without contest—		
13.	Compromised	10,014
14.	Decreed on confession	2,845
15	Decreed *ex parte*	6,975
16.	Dismissed *ex parte*	50
On reference to arbitration—		
17.	For plaintiff	447
18.	For defendant	172
With contest—		
19.	Judgment for plaintiff in whole or part	3,971
20.	Judgment for defendant	1,180
21.	Total disposed of, omitting transfers	29,954
22.	Pending at close of year ...	2,850
23.	Number of cases pending more than three months at the close of the year	946
Average duration of suits—		
Contested—		
24.	Number of cases (items Nos. 17 to 20)	5,770
25.	Aggregate number of days occupied in trial ...	861,194
26.	Average number of days	149 2
Uncontested—		
27.	Number of cases (items Nos. 10 to 16)	24,184
28.	Aggregate number of days occupied in trial	349,025
29.	Average number of days	14 4
30.	REMARKS.—The number of days the Court sat is 265 days.	

COURT OF SMALL CAUSES OF CALCUTTA,
The 7th February 1887.

R. SEN,
Registrar.

ANNUAL STATEMENT 4 (CIVIL).

PART II.—MISCELLANEOUS CASES (JUDICIAL).—*Statement showing the General Result of the trial of Civil and Revenue Cases in the Courts of Original Jurisdiction in the Court of Small Causes of Calcutta in the year* 1886.

COURTS AT THE PRESIDENCY.

PRESIDENCY SMALL CAUSE COURT OF CALCUTTA.

2.	Suits remaining from last year	167
3.	Instituted in	1,490
Received otherwise—		
7.	Revived under sections 99, 103, 108	18
8.	Total for disposal	1,675
Disposed of—		
Without trial—		
10.	Applications rejected or returned . ..	12
11.	Dismissed for default or want of prosecution ...	314
12.	Withdrawn with leave	30
Without contest—		
13.	Compromised	134
14.	Decreed on confession	95
15.	Decreed *ex parte*	73
16.	Dismissed *ex parte*	17
On reference to arbitration—		
17.	For plaintiff	17
18.	For defendant	9
With contest—		
19	Judgment for plaintiff in whole or part	504
20.	Judgment for defendant	298
21.	Total of items Nos. 10 to 20, *i.e.*, disposed of, omitting transfers	1,503
22.	Pending at close of year	172
23.	Number of cases pending more that three months at the close of the year	37
Average duration of cases in item No. 21—		
24.	Aggregate number of days occupied in trial ...	67,050
25.	Average number of days	44·6

COURT OF SMALL CAUSES OF CALCUTTA,
The 7th February 1887.

R SEN,
Registrar.

ANNUAL STATEMENT 6 (CIVIL).

Statement showing the result of proceedings on application for the Execution of the Decrees of the Civil and Revenue Courts in the Court of Small Causes of Calcutta in the year 1886.

COURTS AT THE PRESIDENCY.

PRESIDENCY SMALL CAUSE COURT OF CALCUTTA.

Number of applications dealt with—				
2.	Pending at the end of			608
Filed—				
3.	The decrees being those of the Court where execution is taken out			17,614
4.	The decrees being those of other Courts transferred for execution			(a)285
6.	Total			18,507
Applications disposed of—				
Transferred—				
7.	To another Court under section 223			(b)789
9.	Wholly or partly statisfied			12,205
10	Wholly infructuous			4,930
11.	Total			17,874
12.	Pending at the end of			633
Details of entries in item No. 9—				
14.	Satisfaction obtained in full			5 406
15.	Ditto in part			6,799
16.	Ditto through the Court ...			10,294
17.	Adjusted under section 258			1,911
18.	Satisfaction obtained with the issue of process ...			5,104
19.	Ditto without the issue of process			7,101
			Rs.	A. P.
Amount realised—				
20.	With the issue of process		2,48,179	14 1
21	Without the issue of process		2,21,082	4 4
Number of applications—				
22.	On which the judgment-debtor was imprisoned			481
23.	On which he was arrested under section 336, but released without imprisonment ...			506
On which his moveable property—				
24	Was sold			772
25.	Was attached, but subsequently released under section 275			1,526
On which possession was given—				
31.	Of immoveables, sections 263 and 264			25

(a) *In item No.* 4.

North-Western Provinces	7
Oudh	1
Bombay	1
Madras	2
	11

(b) *In item No.* 7.

North-Western Provinces	55
Central Provinces	3
Punjab	24
British Burmah	5
Madras	8
	95

COURT OF SMALL CAUSES OF CALCUTTA,
The 7th February 1887.

R. SEN,
Registrar.

R V B.—Reg. No. 16757J—270—18-3-87.

RESOLUTION.

JUDICIAL.

Dated Calcutta, the 25th April 1887.

READ—

The Report from the Judges of the Court of Small Causes, Calcutta, for the year 1886.

Read also—

The Report for the year 1885, and the orders of Government thereon.

The Report is accompanied, as usual, by a copy of the Judges' report to the High Court, and by the two sets of tabular statements—one for the information of the Local Government, the other for the High Court. The Judges complain of the imposition on them of this double burden, urging that only one set of returns is required from the Bombay Small Cause Court, and from every other Court in Bengal but their own. The forms of the returns submitted to the Local Government were prescribed by the Government of India, and cannot be altered for Bengal alone without sacrifice of uniformity in the reports from all three Presidencies. The question whether one set of returns will not suffice for both purposes rests with the Supreme Government and the High Court, and is not within the Lieutenant-Governor's competence to decide.

2. The number of cases for disposal, the number disposed of, and the manner in which they were dealt with, are shown in the following statement, the figures of 1886 being compared with those for the two previous years :—

	1886.	1885.	1884.
Pending from the previous year ...	3 291	2,664	1,801
Instituted during the year (including revivals)	29,513	31,002	31,074
	32,804	33,666	32,875
Decreed in favour of plaintiff after contest	4,418	4,003	4,076
Decreed in favour of plaintiff without contest	9,820	10,273	9,450
Dismissed after trial	1 352	1,202	1,312
Non-suited or withdrawn ...	702	743	816
Compromised	10,014	10,796	11,492
Dismissed for default or want of prosecution	3,598	3,283	2,995
Dismissed uncontested	50	73	70
Pending at the close of the year ...	2,850	3,291	2,664
	32,804	33,664	32,875

As compared with the preceding year, "Miscellaneous cases," as shown in one of the statements appended to the Report to the High Court, fell off by 29. There was a decrease of 1,428 in the institution of regular suits, exclusive of revivals, and the figure for 1886 is less than that for 1881 (34,108), the last year before the introduction of the present Act, by 4,892. The falling off in the past year was chiefly in suits below Rs. 50 in value, though there was also a slight diminution in the number of suits up to the value of Rs. 100 and of Rs. 100 to Rs. 500, and again in those of above Rs. 1,000 in value, of which the latter take up most time and give the most trouble. The work, however increased in other directions. There were 11,403 "Other applications" against 8,633 in 1885—a rise of 2,770; the number of applications for execution of decrees increased by 871, from 17,636 to 18,507; and applications for leave to sue under section 18 by 141—1,684 against 1,543.

3. The appointment of a Fifth Judge from the 1st November enabled the Court to dispose of a slightly increased number of contested cases, and to reduce the very heavy pending file from 3,291 to 2,850. There were at the close of the year 946 cases that had been pending more than three months, against 1,076 in the previous year.

4. The total value of suits decreased from Rs. 21,41,108 to Rs. 20,68,380. The falling off in the number and value of suits did not, however, affect the operations of the Execution Department; the amount realised with issue of process increased from Rs. 2,42,265 to Rs. 2,48,179, and Rs. 2,21,082 were realised without process against Rs. 2,16,323 in the preceding year. The number of debtors imprisoned, too, rose from 453 to 481, and of debtors arrested, but released without imprisonment, from 449 to 506. The net receipts of the Court were Rs. 95,192 against Rs. 99,429 in 1885.

5. The Judges, as requested by the Lieutenant-Governor, refer in their report to the recent complaints, preferred by the Bengal Chamber of Commerce, of the inconvenience felt by the public owing to the want of sufficient accommodation, of the working of the Distraint Department, of the want of a store and sale shed, and of the delays entailed by the new procedure introduced by Act XV of 1882. A store and sale shed has since been provided; but on the other points the Judges are unable to make any definite practical suggestions. They say generally that the Court premises are already overcrowded, and that if extra accommodation is required, either in the way of additional waiting-rooms for suitors or benches, it cannot be given without building. It is not, however, distinctly stated whether, in the opinion of the Judges, the complaints of the Chamber of Commerce are well-founded or not; and in fact, both as regards the questions of want of accommodation and of the working of the Distraint Department, they are unable to understand to what these complaints, which were stated very briefly and generally, precisely refer. The Lieutenant-Governor would be glad to receive a further report on the question of the additions to the present building, both for the accommodation of the Courts and of suitors, if the Judges really consider such additions absolutely necessary.

6. As regards the working of Act XV of 1882, the Judges merely say that the matter has been dealt with in every annual report since the Act was passed; but in their report to the High Court they attribute the decrease in suits of smaller values "to the more cumbrous procedure which has been adopted since 1882, and to the fact that the smaller suits are necessarily shouldered out of the way in consequence of the greater time which is taken up in contesting suits of higher value and importance." They add, however, that the appointment of a Fifth Judge will probably secure the more prompt disposal of suits. The Lieutenant-Governor hopes that the returns for 1887 will verify this prediction. Those for 1886 show that the average duration of suits has increased to such an extent as to seriously affect the usefulness of the Small Cause Court as a Court for the speedy collection of small debts; and it is not surprising to find that the number of suits of the smallest values show a marked decrease, while of suits actually instituted, an ever-increasing number is referred to arbitration. In 1881 contested suits lasted on the average for 31·3 days; and although there are no statistics of this kind for previous years, it appears from a remark in the Government Resolution on the report for 1881—"cases now take a much longer time to try"—that in earlier years the average duration was still shorter. In 1882 the figure rose to 54·8, and in 1883 to 71·5. Since then the increase has been very rapid—114·4 in 1884, 127·1 in 1885, and 149·2 in 1886. No doubt a very considerable proportion of this increase is accounted for by the longer time taken over cases of higher values tried under the ordinary Civil Court Procedure; and, as it appears that these cases are, almost without exception, taken by the Chief Judge, it is not clear why suits for smaller values, tried by the other Judges, should last much longer than they did before. But, as the Judges admit, smaller suits are "shouldered out of the way," and frequent postponements add enormously to the time occupied in disposing of them. It would be useful if the Judges could, in future reports, in addition to stating the average duration of contested suits, show separately the average duration of suits tried by the ordinary and summary procedures respectively. It would then be possible to estimate how far Act XV of 1882 is responsible for the delays now complained of, and how far they are due to other causes. In so far as they are accounted for by the mere overclogging of files, the recent appointment of a Fifth Judge will doubtless do much to relieve the other Judges, and expedite the decision of small cases; but it

appears to the Lieutenant-Governor that something more is required than an addition to the number of Judges. During the past year two Judges of the High Court, after an inspection of the Small Cause Court, observed that each Judge was occupied for two hours daily, and often still longer, with the revision of his day's list ; and they recommended the adoption of a different distribution of work, by which the daily revision should be left to one Judge, the time of every other Judge being left free for the trial of contested cases. This procedure was tentatively adopted, but abandoned after a trial of three weeks, with the consent of the Chief Justice, and of one of the inspecting Judges, Mr. Justice Wilson. The Court has since reverted to the old procedure: but the Lieutenant-Governor trusts that it may be found practicable, since the Court has been strengthened by the addition of one Judge, to get through the revision of the day's list in a shorter time, and he hopes that this cause of delay will now be greatly lessened. What more is required to enable the Small Cause Court to fulfil the object with which it was created, the Lieutenant-Governor must trust to the Court itself, with the advice and assistance of the High Court, to indicate. Although constantly referring to the delay involved in the procedure imposed by the Act of 1882, the Small Cause Court Judges have never made any definite suggestions for remedying the defect. In their Report for 1882 they wrote: "We are not prepared to advocate a return to the old practice"; and they have never since recommended any amendment of the present law. It is for them to indicate the remedy for any defects which experience may since have disclosed either in the law or in the practice of the Court.

By order of the Lieutenant-Governor of Bengal,

F. B. PEACOCK,

Chief Secretary to the Govt. of Bengal.

No. 1828J.

COPY forwarded to the Chief Judge of the Court of Small Causes, Calcutta, for information.

By order of the Lieutenant-Governor of Bengal,

G. K. LYON,

Offg. Under-Secretary to the Govt. of Bengal.

CALCUTTA,
The 25th April 1887.

C E. G.—Reg. No 5380 294 27-4-87.